

Hearing Date: January 18, 2023 at 10:00 a.m. (ET)

Objection Deadline: November 14, 2022

Reply Deadline: December 21, 2022

**GIBSON, DUNN & CRUTCHER LLP**

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*Attorneys for Defendant UBS Europe SE*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS  
Deutschland AG, as successor in interest to  
Dresdner Bank Lateinamerika AG, and LGT BANK  
(SWITZERLAND) LTD. as successor in interest to  
Dresdner Bank (Schweiz) AG,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Proc. No. 12-01577 (CGM)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF HEARING ON UBS EUROPE SE'S  
MOTION TO DISMISS THE AMENDED COMPLAINT**

PLEASE TAKE NOTICE that, on September 15, 2022, Defendant UBS Europe SE (“**UBS Europe**”), formerly known as UBS Deutschland AG (“**UBS Deutschland**”), as purported successor in interest to Dresdner Bank Lateinamerika AG (“**DBLA**”), by and through its undersigned counsel, filed a motion (the “**Motion**”) to dismiss the Amended Complaint filed in the above-captioned adversary proceeding on July 14, 2022 at ECF No. 105 (the “**Amended Complaint**”), by Plaintiff Irving H. Picard, Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC (“**BLMIS**”) and the chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), pursuant to Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6), made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure. The Motion will be heard before the Honorable Cecelia G. Morris, United States Bankruptcy Judge for the United States Bankruptcy Court for the Southern District of New York, on **January 18, 2023 at 10:00 a.m. (Eastern Time)** (the “**Hearing**”), or as soon thereafter as counsel may be heard.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court’s directive, all hearings will be conducted remotely pending further Order of the Court. All parties who wish to participate in the Hearing must refer to Judge Morris’ guidelines for remote appearances and are required to make arrangements in advance to appear via ZoomGov. For further details on ZoomGov, please call the Courtroom Deputy at (845) 451-6367. Further instructions regarding remote appearances via ZoomGov can be found on the Court’s website at <https://www.nysb.uscourts.gov/zoom-video-hearing-guide>.

PLEASE TAKE FURTHER NOTICE that, if you oppose the relief requested in the Motion you are required to file a written response (“**Response**”), and to serve the Response on UBS Europe’s undersigned counsel so that it is received by **November 14, 2022** (the “**Response**”).

***Deadline***”). UBS Europe will file any reply papers in further support of the Motion on or before **December 21, 2022**.

PLEASE TAKE FURTHER NOTICE that, if no Response is timely served with respect to the Motion, UBS Europe may, on or after the Response Deadline, submit to the Bankruptcy Court a proposed order granting the relief sought in the Motion.

PLEASE TAKE FURTHER NOTICE that you need not appear at the Hearing if you do not object to the relief requested in the Motion.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure, UBS Europe does not consent to the entry of final orders or judgment by this Court.

Dated: September 15, 2022  
New York, New York

Respectfully Submitted,

**GIBSON, DUNN & CRUTCHER LLP**

/s/ Marshall R. King

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